

No. 21, S.]

[Published February 8, 1932.]

CHAPTER 26.

AN ACT to amend subsections (3) and (5) of section 221.01, sections 223.08 and 220.065 and subsection (4) of section 14.50 and to create section 220.085 of the statutes, relating to the organization of banks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subsections (3) and (5) of section 221.01, sections 223.08 and 220.065 and subsection (4) of section 14.50 of the statutes are amended to read: (221.01) (3) Upon receipt by the commissioner of banking of such application properly executed, he shall, within five days, forward to the applicants a copy of an official notice of application for authority to organize a bank, containing such information as shall make known to the public the facts specifically required by statute to be given in the application, and assigning a date and place for hearing on the application. Such notice shall be published once each week for four successive weeks by the applicants, at their own expense, in a newspaper published in the city, town, village, or place where such bank is to be located; or, if no newspaper is published therein, in a newspaper published in the county in which such place is located; or, if none is published in such county, then the newspaper published at the nearest county seat in an adjoining county. Following the last publication, proof of publication shall be filed with the commissioner of banking in such form as he may require. *The commissioner may waive the requirement of publication herein contained where the bank to be organized is to replace, absorb or consolidate one or more existing banks.*

(5) * * * The commissioner of banking shall thereupon ascertain from the best sources of information at his command, and by such investigation as he may deem necessary, whether the character, responsibility, and general fitness of the persons named in such application are such as to command confidence and to warrant the belief that the business of the proposed corporation will be honestly and efficiently conducted in accordance with the intent and purpose of this chapter; and whether public convenience and advantage will be promoted by allowing such bank to organize; and he also shall investigate the character and experience

of the proposed officers, the adequacy of existing banking facilities, and the need of further banking capital; the outlook for the growth and development of the city, town, or village in which such bank is to be located, and the surrounding territory from which patronage would be drawn; the methods and banking practices of the existing bank or banks; the interest rate which they charge to borrowers; the character of the service which they render the community, and the prospects for the success of the proposed bank if efficiently managed. Such investigation shall be completed within ninety days from the filing in the office of the commissioner of banking of proof of publication and the making of the deposit herein required, but in the event a majority of the applicants and the commissioner of banking mutually agree to it, the time may be extended an additional period of sixty days.

223.08 NAME OF CORPORATION; PENALTY. Any such corporation so continued or reorganized may continue its present name without change. The word "trust" shall form part of the name of every such corporation hereafter organized under this chapter, but the word "bank" shall not be used as a part of such name. All persons, partnerships, associations, or corporations not organized under the provisions of this chapter, *except state banks vested with trust powers under and pursuant to the provisions of subsection (6) of section 221.04*, are hereby prohibited from using the word "trust" in their business, or as portion of the name or title of such person, partnership, association, or corporation. Any person or persons violating any of the provisions of this section, either individually or as an interested party in any copartnership, association, or corporation, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than three hundred dollars, nor more than one thousand dollars, or by imprisonment in the county jail not less than sixty days, nor more than one year, or by both such fine and imprisonment.

220.065 (As created in Chapter 15, Laws Special Session 1931-1932 (Bill 14, S.)) The commissioner of banking shall not be subject to any civil liability or penalty, nor to any criminal prosecution, for any error in judgment or discretion *made in good faith and upon reasonable grounds* in any action taken or omitted by him in his official capacity under the provisions of chapters 220 to 225.

(14.50) (4) (As created in Chapter 15, Laws Special Session 1931-1932 (Bill 14, S.)) When the bank on which any check or draft is drawn by the state treasurer shall before payment of such check or draft become insolvent or shall be taken over by the commissioner of banking or comptroller of the currency, the state treasurer shall on the demand of the person in whose favor such check or draft was drawn *and upon the return to the treasurer of such check or draft* issue a duplicate for the same amount. This subsection shall apply to checks or drafts heretofore issued and not paid.

SECTION 2. A new section is added to the statutes to read: 220.085 On approval of the banking review board, any state bank or trust company, or the receiver of any insolvent or delinquent state bank or trust company, may take advantage of any act that may be enacted by the Congress of the United States for the relief of any state banks or trust companies.

SECTION 3. For a period not to exceed two years after the date of passage of this act, the commissioner of banking, with a view to stabilizing and readjusting the banking structure of any bank, may approve any stabilization and readjustment agreement entered into between such bank and the depositors and unsecured creditors of such bank which in his judgment is in the best interests of all persons concerned, notwithstanding the provision in subsection (16) of section 220.07 requiring that eighty per cent of the amount of the deposits and unsecured credits of such bank be represented in such agreement.

SECTION 4. This act shall take effect upon passage and publication.

Approved Feb. 6, 1932.

No. 14, A.]

[Published February 8, 1932.

CHAPTER 27.

AN ACT to amend sections 4.01, 4.02 and 4.04 of the statutes, relating to reapportionment of assembly and senatorial districts. *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Sections 4.01, 4.02 and 4.04 of the statutes are amended to read: 4.01 ASSEMBLY DISTRICTS. Until there